

Presentment Date and Time: November 14, 2013, 2013 at 12:00 p.m. (ET)
Objection Deadline: November 13, 2013 at 4:00 p.m. (ET)

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Gary S. Lee
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*Counsel for the Debtors and
Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**NOTICE OF PRESENTMENT OF STIPULATION AND ORDER MODIFYING
THE AUTOMATIC STAY TO PERMIT LIMITED THIRD PARTY DISCOVERY**

PLEASE TAKE NOTICE that the undersigned will present the attached proposed
Stipulation and Order Modifying the Automatic Stay to Permit Limited Third Party Discovery
(the “Stipulation and Order”), to the Honorable Martin Glenn, United States Bankruptcy Judge,
at the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy
Court”), Alexander Hamilton Custom House, One Bowling Green, New York, New York 10004,
Room 501, for signature on **November 14, 2013 at 12:00 p.m. (Prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that objections, if any, to the Stipulation and
Order must be made in writing, conform to the Federal Rules of Bankruptcy Procedure, the
Local Bankruptcy Rules for the Southern District of New York, and the Notice, Case

Management, and Administrative Procedures approved by the Bankruptcy Court [Docket No. 141], be filed electronically by registered users of the Bankruptcy Court's electronic case filing system, and be served, so as to be received no later than **November 13, 2013 at 4:00 p.m.**

(Prevailing Eastern Time), upon (a) counsel for the Debtors, Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, NY 10104 (Attention: Gary S. Lee, Norman S. Rosenbaum and Erica J. Richards); (b) the Office of the United States Trustee for the Southern District of New York, 201 Varick Street, Suite 1006, New York, NY 10014 (Attention: Tracy Hope Davis, Linda A. Riffkin, and Brian S. Masumoto); (c) the Office of the United States Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530-0001 (Attention: US Attorney General, Eric H. Holder, Jr.); (d) Office of the New York State Attorney General, The Capitol, Albany, NY 12224-0341 (Attention: Nancy Lord, Esq. and Enid N. Stuart, Esq.); (e) Office of the U.S. Attorney for the Southern District of New York, One St. Andrews Plaza, New York, NY 10007 (Attention: Joseph N. Cordaro, Esq.); (f) counsel for Ally Financial Inc., Kirkland & Ellis LLP, 153 East 53rd Street, New York, NY 10022 (Attention: Richard M. Cieri and Ray Schrock); (g) counsel for the committee of unsecured creditors, Kramer Levin Naftalis & Frankel LLP, 1177 Avenue of the Americas, New York, NY 10036 (Attention: Kenneth Eckstein and Douglas Mannal); (h) counsel for Ocwen Loan Servicing, LLC, Clifford Chance US LLP, 31 West 52nd Street, New York, NY 10019 (Attention: Jennifer C. DeMarco and Adam Lesman); (i) counsel for Berkshire Hathaway Inc., Munger, Tolles & Olson LLP, 355 South Grand Avenue, Los Angeles, CA 90071 (Attention: Thomas Walper and Seth Goldman); (j) Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346 (if by overnight mail, to 2970 Market Street, Mail Stop 5-Q30.133, Philadelphia, PA 19104-5016); (k) Securities and Exchange Commission, New York Regional Office, 3 World Financial Center, Suite 400, New York, NY 10281-1022 (Attention: George S. Canellos, Regional Director); and

(l) counsel to Sandeep Chopra, Melvin & Melvin PLLC, 7th Floor – 217 South Salina Street,
Syracuse, NY 13202 (Attention: Christopher Judge).

PLEASE TAKE FURTHER NOTICE that, if no objections to the Stipulation and
Order are timely filed, served and received in accordance with this Notice, the Court may enter
the Order without further notice or hearing.

Dated: November 7, 2013
New York, New York

Respectfully submitted,

/s/ Norman S. Rosenbaum
Gary S. Lee
Norman S. Rosenbaum
Erica J. Richards
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**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
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RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
_____)	

**STIPULATION AND ORDER MODIFYING THE
AUTOMATIC STAY TO PERMIT LIMITED THIRD PARTY DISCOVERY**

This Stipulation and Order (the “**Stipulation and Order**”) is made and entered into by, between and among the debtors and debtors in possession in the above-captioned bankruptcy cases (collectively, the “**Debtors**”) and Sandeep Chopra (“**Ms. Chopra**” and, together with the Debtors, the “**Parties**” and each, a “**Party**”).

WHEREAS Ms. Chopra is a plaintiff in a divorce proceeding before the Supreme Court for the State of New York, Onondaga County, captioned *Sandeep Chopra v. Sital Dass*, 2013-M-0458 (the “**Action**”), naming Sital Dass (“**Mr. Dass**”) as defendant;

WHEREAS the Debtors have never been named as defendants in the Action;

WHEREAS Debtor GMACM Mortgage, LLC (“**GMACM**”) serviced a mortgage (the “**Loan**”) on property located at 101 Terrace Circle, Syracuse, New York 13214 (the

“**Property**”), under which Mr. Dass;

WHEREAS on or about October 14, 2013, Ms. Chopra served a third-party subpoena on GMACM requesting certain documents;

WHEREAS the Debtors filed voluntary petitions in this Court for relief under Chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) on May 14, 2012 (the “**Petition Date**”);

WHEREAS the Debtors have not produced documents in response to the subpoenas;

WHEREAS on October 12, 2012, the Court entered the *Memorandum Opinion and Order Denying the Motions of the Federal Housing Finance Agency and Underwriter Defendants to Compel Document Discovery From the Debtors* [Docket No. 1813] (the “**Discovery Injunction**”);

WHEREAS the Debtors assert that Ms. Chopra’s non-party discovery requests are subject to the automatic stay imposed by Section 362(a) of the Bankruptcy Code pursuant to the Discovery Injunction;

WHEREAS the Debtors and Ms. Chopra have reached agreement under which the Debtors shall consent to a limited modification of the automatic stay and the Discovery Injunction to permit the production of certain agreed-upon documents on the terms and conditions contained herein, subject to Court approval of the Stipulation;

NOW THEREFORE, the Parties agree and stipulate as follows:

1. The automatic stay of section 362(a) of Bankruptcy Code and the Discovery Injunction are hereby modified for these limited purposes, and subject to the terms and conditions set forth herein.

2. The Debtors agree to produce only the items set forth on **Exhibit A**, annexed hereto (the “**Agreed Documents**”). The Debtors shall not be required to provide any other documents or items to Ms. Chopra under this Stipulation and Order.

3. Ms. Chopra acknowledges and agrees that:

- a. Ms. Chopra has no current or prospective claims against the Debtors or any of their affiliates; and
- b. Ms. Chopra shall not use any of the Agreed Documents in connection with any claims against the Debtors or any of their affiliates.

4. This Stipulation and Order is without prejudice to the right of the Debtors to seek to enforce the automatic stay and/or the Discovery Injunction against Ms. Chopra in connection with any additional discovery requests or in any other context.

5. Except as specifically provided for herein, the Parties reserve all rights and defenses they may have in the above-captioned cases, and entry into this Stipulation and Order shall not impair or otherwise affect such rights and defenses, and all such rights and defenses are expressly preserved.

6. This Stipulation and Order shall not become effective unless and until it is entered by the Court.

7. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Stipulation and Order.

8. This Stipulation and Order may not be modified other than by a signed writing executed by the Parties hereto or by further order of the Court.

9. Each person who executes this Stipulation and Order on behalf of a Party hereto represents that he or she is duly authorized to execute this Stipulation and Order on behalf of such Party.

[Remainder of page intentionally left blank]

Dated: November 7, 2013

/s/ Norman S. Rosenbaum

Gary S. Lee
Norman S. Rosenbaum
Erica J. Richards
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1290 Avenue of the Americas
New York, New York 10104
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*Counsel for the Debtors and
Debtors in Possession*

Dated: November 4, 2013

/s/ Christopher Judge

Christopher Judge, Esquire
MELVIN & MELVIN, PLLC
7th Floor – 217 South Salina Street
Syracuse, New York 13202
Telephone: (315) 422-1311, ext. 113
Facsimile: (315) 479-7612

Attorney for Sandeep Chopra

IT IS SO ORDERED

New York, New York
Dated: _____, 2013

HONORABLE MARTIN GLENN
UNITED STATES BANKRUPTCY JUDGE

EXHIBIT A

Agreed Upon Discovery Information

- a. Loan Account History from 10/1/2010 through 2/1/2012
- b. Loan Account Statement dated 1/1/2013
- c. Copies of remitted Loan payments from 1/25/2012 through 1/26/2013
- d. Copies of the Loan Documents
- e. Certificate of Authenticity of Business Records